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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,057	08/03/2001	Michael L. Asmussen	SEDN/5313	8084
56015 75	590 03/20/2006	EXAMINER		
PATTERSON & SHERIDAN, LLP/ SEDNA PATENT SERVICES, LLC 595 SHREWSBURY AVENUE SUITE 100 SHREWSBURY, NJ 07702			DAYE, CHELCIE L	
			ART UNIT	PAPER NUMBER
			2161	
			DATE MAILED: 03/20/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/921,057	ASMUSSEN ET AL.			
		Examiner	Art Unit			
		Chelcie Daye	2161			
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SH WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATES and the may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Poeriod for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	I. lety filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status						
2a)□	Responsive to communication(s) filed on <u>03 Au</u> This action is FINAL . 2b) This Since this application is in condition for allower closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Dispositi	on of Claims					
5) 6) 7)	Claim(s) <u>1-33</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) <u>1-33</u> are subject to restriction and/or expressions.	vn from consideration.				
Application Papers						
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Example 2.	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). sected to. See 37 CFR 1.121(d).			
Priority u	ınder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachmen 1) Notice	t(s) e of References Cited (PTO-892)	4) 🔲 Interview Summary				
2) Notice 3) Information	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate atent Application (PTO-152)			

DETAILED ACTION

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11 and 21-33, drawn to an apparatus for searching and suggesting metadata and keywords, classified in class 707, subclass 3.
- II. Claims 12-20, drawn to a method for generating a database for the digital communications network from a user, classified in class 707, subclass 102.

Inventions I, II, are related as combination and subcombinations.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particular subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

In the instant case, the combination (I) as claimed does not require the subcombination II, as claimed because it is an apparatus for searching and suggesting metadata and keywords, which does not need to be related to the claimed method for generating a database for the digital communications network from a user. The subcombination II, as claimed does not require the combination I, as claimed because the method for generating a database for the digital communications network from a user does not need an apparatus for searching and suggesting metadata and keywords. Therefore, the inventions are distinct; however, they could be usable together.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for I is not required for II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to John Harrop (202) 824-8800 on March 15, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement traversed (37 CFR 1.143).

This office action sets a one-month period for reply (restriction requirement), the applicant may obtain a two-month extension of time under 37 CFR 1.136(a) before being subject to a reduction of patent term adjustment under 154(b)(2)(C)(ii) and CFR 1.704(b).

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Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye Patent Examiner Technology Center 2100 March 16, 2006

Sana Al-Hasher